

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs

Case No. 2:25-mc-50623

Hon. Susan DeClercq

WILLIAM A. SMITH,

Defendant,

and

DETROIT RIVERFRONT
CONSERVANCY, INC.,

Garnishee,

and

AMERICAN FUNDS
Aka CAPITAL GROUP
RETIREMENT PLAN SERVICES,

Garnishee.

**DEFENDANT WILLIAM SMITH'S RESPONSE TO THE DETROIT
RIVERFRONT CONSERVANCY, INC'S WRIT OF GARNISHMENT**

NOW COMES the Defendant William Smith, by and through counsel, and for his Response to the Detroit Riverfront Conservancy, Inc.'s ("DRFC") Writ of Garnishment, states the following:

1. On May 29, 2025, the Government sought and obtained a Writ of Garnishment for the DRFC. ECF No. 2.

2. On June 20, 2025, the DRFC answered the Writ of Garnishment. ECF No. 8.

3. Per the Court's Order Extending Deadlines to Respond, Mr. Smith now timely responds to the DRFC's Writ of Garnishment.

4. To the extent that none of the items have been forfeited by the Stipulated Preliminary Order of Forfeiture, ECF No. 32 in Case No. 24-cr-20532, (or any subsequent Order of Forfeiture) or the Judgment of Sentence, ECF No. 36 in Case No. 24-20532, Mr. Smith does not object to the items listed in Paragraph 12 of the DRFC's Answer in being garnished. See ECF No. 8, Page ID # 61.

5. Notably, the DRFC's Answer does not identify that it is in possession or control of any financial accounts that are the property of the judgment debtor (Mr. Smith). ECF No. 8, Page ID # 60.

6. This supports Mr. Smith's argument that the American Funds' Writ of Garnishment should be quashed because American Funds answered that it was not in control of the retirement account identified. In fact, American Funds indicated it was simply a record keeper related to the account, and that any future order or direction regarding the account should be made to others, including Ryan Sullivan

(who answered the Writ of Garnishment on behalf of the DRFC). See ECF No. 7, Page ID # 55.

7. The DRFC's acknowledgment that it is not in possession or control of any financial account that is the property of Mr. Smith is a recognition that the general forfeiture of that account by the Stipulated Preliminary Order of Forfeiture incorporated into the Judgment of Sentence in his criminal matter extinguished his specific right to the American Funds account (while specifically reserving for a later date the amount of attorneys' fees to be distributed to Mr. Smith's counsel) and thus, any garnishment of the American Funds' account would be improper.

WHEREFORE, Mr. Smith, to the extent that none of the items have been forfeited, does not object to the items listed in Paragraph 12 in the DRFC's Answer being garnished.

Respectfully submitted,

s/ Gerald K. Evelyn

Gerald K. Evelyn

Counsel for Defendant

409 East Jefferson Ave., Ste. 500

Detroit, MI 48226

(313) 962-3500

geraldevelyn@yahoo.com

Dated: August 19, 2025

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2025, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

/s/ Gerald K. Evelyn
GERALD K. EVELYN (P29182)
Counsel for Defendant Smith
409 East Jefferson Ave., Ste. 500
Detroit, MI 48226
(313) 962-3500, Office
(313) 962-9190, Fax
geraldevelyn@yahoo.com